



General Assembly

***Amendment***

***February Session, 2008***

**LCO No. 4597**

**\*SB0033704597SR0\***

Offered by:

SEN. MCKINNEY, 28<sup>th</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

To: Subst. Senate Bill No. **337**

File No. 529

Cal. No. 342

***"AN ACT CONCERNING JUVENILE JUSTICE."***

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsection (h) of section 53a-40 of the general statutes, as  
4 amended by section 7 of public act 08-1 of the January special session,  
5 is repealed and the following is substituted in lieu thereof (*Effective July*  
6 *1, 2008*):

7 (h) When any person has been found to be a persistent dangerous  
8 felony offender, the court, in lieu of imposing the sentence of  
9 imprisonment authorized by section 53a-35 for the crime of which such  
10 person presently stands convicted, or authorized by section 53a-35a if  
11 the crime of which such person presently stands convicted was  
12 committed on or after July 1, 1981, shall sentence such person to a term  
13 of imprisonment of not more than forty years and, if such person has,  
14 at separate times prior to the commission of the present crime, been  
15 twice convicted of and imprisoned for any of the crimes enumerated in

16 [subparagraph (B) of subdivision (1) of] subsection (a) of this section,  
17 sentence such person to [a term of imprisonment of not more than] life  
18 imprisonment without the possibility of parole.

19 Sec. 502. Section 53a-40 of the general statutes, as amended by  
20 sections 6 and 7 of public act 08-1 of the January special session, is  
21 amended by adding subsection (n) as follows (*Effective July 1, 2008*):

22 (NEW) (n) Whenever a person is eligible to be charged as a  
23 persistent dangerous felony offender under subsection (a) of this  
24 section and has, at separate times prior to the commission of the  
25 present crime, been twice convicted of and imprisoned for any of the  
26 crimes enumerated in said subsection, the prosecuting authority shall  
27 charge such person as a persistent dangerous felony offender unless  
28 the prosecuting authority states in open court the reason for not  
29 charging such person as a persistent dangerous felony offender."